

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*,

Defendants.

) Case No. 3:25-cv-03070-JD

) **Declaration of DeShawn Shepard in Support of**
) **Defendants' Emergency Motion to Stay the**
) **Preliminary Injunction Pending Appeal**

) Judge: Hon. James Donato

Pursuant to 28 U.S.C. § 1746, I, DeShawn Shepard, declare as follows:

1. I am the Deputy Director of the Departmental Office of Human Resources Management in the Department of Transportation ("DOT"), and I have served in this role since May 22, 2022. In my current role, I am responsible for establishing strategic policies and programs for human resources functions such as staffing, recruitment, workforce and succession planning, employee and labor relations for the Office of the Secretary and the Operating Administrations, excluding the Federal Aviation Administration and the Office of the Inspector General.

2. I provide this declaration in support of Defendants' Emergency Motion to Stay the Preliminary Injunction Pending Appeal. I make the following statements based upon my personal knowledge and information provided to me in my official capacity. If called as a witness, I could and would testify competently to the facts contained in this declaration.

3. I am familiar with Executive Order 14251, *Exclusions from Federal Labor-Management Relations Programs* (the "Executive Order"). Section 2 of the Executive Order excludes the following agencies or subdivisions of DOT from coverage under Chapter 71 of Title 5, United States Code: the Office of the Chief Information Officer, and any other agency or subdivision that has information resources management duties as the agency or subdivision's primary duty. Exec. Order 14251 § 2, 90

1 Fed. Reg. 14553, 14553 (Apr. 3, 2025).

2 4. Section 5 of the Executive Order delegates to the Secretary of Transportation the
3 authority to exclude any subdivision of DOT from coverage under Chapter 71 of Title 5, United States
4 Code. Exec. Order 14251 § 2, 90 Fed. Reg. 14553, 14553 (Apr. 3, 2025). The Secretary has not
5 exercised this authority.

6 5. The following information regarding the DOT is correct and accurately reflects actions
7 DOT took to implement Executive Order 14251 prior to the June 24, 2025 issuance of the “Order re:
8 Preliminary Injunction”:

9 Has refused to recognize unions as exclusive reps?	10 Has terminated CBAs?	11 Has suspended dues processing?	12 Has eliminated official time and reassigned employees who used it?	13 Has refused participation at FLRA?	14 Has terminated or refused to participate in grievance or arbitration proceedings?	15 Has reclaimed agency space or equipment used by the unions?
16 No ¹	17 No	18 Yes	19 No	20 No	21 No	22 No

23 I declare under penalty of perjury that the foregoing is true and correct. Executed on July 1,
24 2025.

25  Digitally signed by DESHAWN MONIQUE SHEPARD
Date: 2025.07.01 10:29:40 -04'00'

26 DeShawn Shepard

27 ¹ On Monday March 31, 2025, the Office of the Secretary of Transportation (“OST”) provided a
28 preliminary notice to AFGE, that it would no longer recognize the Union as the exclusive representative
for its OCIO employees and that the CBA provision that identifies the OCIO as part of the bargaining
unit was void. However, no further action has been taken to remove OST OCIO employees from the
bargaining unit, and no employee’s bargaining unit status was changed in the system.